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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,567	03/17/2004	Romeo Deplazes	0127-093PJAB	3501
22831 7590 01/22/2008 SCHWEITZER CORNMAN GROSS & BONDELL LLP 292 MADISON AVENUE - 19th FLOOR NEW YORK, NY 10017				
EXAMINER				
LANGDON, EVAN H				
ART UNIT		PAPER NUMBER		
3654				
MAIL DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/802,567

Applicant(s)

DEPLAZES ET AL.

Examiner

EVAN H. LANGDON

Art Unit

3654

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claim 1, it is not understood what is meant by the limitation "normal" on lines 12 and 13. Is "normal elevator operation" the same as "normal operation of the lift cage?" In addition, what is "normal elevator operation"; what is "normal operation of the lift cage?"

In further regard to claim 1, the specification page 4 lines 18-24 states that the test is carried out during normal operation. How can the test travel be independent of normal operation as defined by the specification?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herkel et al. (6,173,814 B1).

In regards to claims 1 and 2, Herkel discloses a control circuit for a lift system 8 having a lift cage movable in a lift shaft 70 by a drive unit, a control 20 for controlling the drive unit, a data bus 4 connected with the control, shaft doors for closing the lift shaft, locking devices for locking the shaft doors at a shaft side and lock sensors 91-93 for monitoring the setting of the locking devices, wherein the lock sensors 91-93 are connected with the control by way of the data bus 4, the improved control circuit comprising means for repeatedly interrogating a lock sensor at short time intervals (col. 2, ll. 60-64 and col. 7, ll. 29-67) by way of the data bus 4, whereby communications interruptions or transmission errors in the data bus transmissions are detected, and for periodically testing the function of the locking sensors (col. 2, ll. 60-61; col. 3, ll. 25-37; col. 4, ll. 51-55) of all elevator shaft doors by

- a) observing the signals lock sensors produce during opening/closing of the shaft doors in normal elevator operation (col. 3, ll. 58-67) and

- b) automatically initiating a test travel of the lift cage independent of normal operation (col. 3 lines 55-65) of the lift cage at a story whose shaft doors have not been operated within a defined period of time (periodic col. 4, ll. 55), opening and closing the shaft doors, and observing the signals produced by the lock sensor associated with the shaft doors (col. 2 ll. 8-15 and col. 4 ll. 51-60).

Herkel teaches periodic testing of the locking sensors regardless of whether data is being provided (col. 4 ll. 53-55). Thus, it is obvious that this testing is automatic and that a story whose shaft doors have not been operated will be tested from hardware checks, and within a defined period of time, a lift cage will be sent to that story and tested.

In regards to claims 3-5, Herkel teaches the locking sensor 91-93 includes means for monitoring the state of the associated locking device (Herkel, col. 5, ll. 38 – col. 6, ll. 9).

In regards to claims 6-9, Herkel teaches the control includes means for evaluating interrogation of the locking sensors in order to be able to trigger one or more of: recognition and localization of a fault; triggering of a service call; or, if an open shaft door was recognized, stopping lift cage or carrying out a situation-adapted reaction, and the control includes means for evaluating the interrogation of the locking sensors in order to correct ascertained transmission errors by evaluation of several data packets, and including means for monitoring a cage door in order to make possible, by means of a coincidence check of the signals of a shaft door and the a cage door, a statement about the functional capability of at least one of the shaft door and the locking sensor of the shaft door. (Herkel, col. 7, ll. 29 – col. 8, ll. 5).

In regards to claim 10, Herkel teaches means for detecting a state of the shaft doors and for transmitting information about the state of the shaft door by way at least one of the data bus or a safety bus to the control (Herkel, col. 3, ll. 58-65).

With respect to claim 11, Herkel does not disclose specific values for the defined period of time. However, one of ordinary skill in the art is expected to routinely experiment with the parameters, especially when the specifics are not disclosed, so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been obvious through routine experimentation and optimization, for one of ordinary skill in the art to make the defined period of time very frequent or between 8 and 24 hours...

Response to Arguments

Applicant's arguments filed 26 December 2007 have been fully considered but they are not persuasive. The applicant's arguments have been addressed in the above rejections.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EVAN H. LANGDON whose telephone number is (571)272-6948. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Evan H Langdon/
Primary Examiner, Art Unit 3654

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